

REMARKS

Claims 2-11 now stand in the application, claims 1 and 2 having been canceled and rewritten as new claims 9 and 10, and new claim 11 added. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

Claims 1-8 stand rejected as unpatentable over Carroll et al (USP 6,611,913) in view of Parker (USP 6,124,799). In the remarks in support of the rejection, however, the examiner does not refer to Carroll, but instead refers to Parker as a primary reference and then refers to Rodriguez (6,577,857). Clarification of the rejection is requested. This rejection is respectfully traversed.

The present invention is directed to a method of unlocking wherein a user calls a number associated with the manufacturer, transmits to the manufacturer an ID number identifying the telephone, unlocking information is sent to the mobile telephone, and the telephone uses the unlocking information to unlock itself. The method according to the invention, and as clarified in claim 9, is not limited to the simple fact that the user can now ask the manufacturer directly for the code in order to unlock his mobile, but specifically in that the request for the unlocking information can be made through a direct communication between the mobile telephone and a calling number linked to the manufacturer, and such an unlocking can be made in response to said request.

Consequently, the present invention is not the simple replacement of operator by the manufacturer, but provides a solution thanks to which the user can **rapidly** (through one communication) and in a safe manner get the unlocking code from the manufacturer, without having to contact the operator. There is no need either that the user has effectively subscribed to another operator. Consequently, he will be able after unlocking to use any kind of SIM card, including prepaid cards for which no subscription is required.

The amendments made to the claims are supported at least at page 2, lines 19-24, page 2, line 37 to page 3, line 2, page 4, lines 20-27, page 5, lines 3-5, and line 24, page 5, line 5, and page 6, lines 12-15.

None of the cited references teaches or suggests the invention as now defined in claim 9. In Parker the system operator sends the unlock information. In Rodriguez, the user can contact a dealer or manufacturer to obtain authorization for another block of air time. But the block of air time is via the same service provider to which the handset is locked. There is no discussion whatsoever of unlocking. The examiner has given no reason why one of skill in the art would have modified Parker to have the manufacturer provide the unlock information. The purpose of the lock is to ensure that a particular phone can only be used with a particular service provider. It is the service provide that will ordinarily have to authorize the unlock. The only reason one would have had for seeking the unlock code from the manufacturer directly would have been for the specific purpose of satisfying the claim language. But it is improper to base an obviousness rejection on hindsight.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment Under 37 C.F.R. § 1.111
USSN 10/808,465

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

An extension of time is requested, and the statutory fee is being paid through the Electronic Filing System.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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